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Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 HEW-06 SCS-06 LAB-04 SIL-01
/033 R

DRAFTED BY L/T:JABOYD:KG
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HEW/SSA - WYOFFEE
EUR/WE - EBIEGEL
EUR - DGOOTT (INFO)
CA/SCS - FHALL
----------111585 252046Z /70
R 251925Z AUG 78
FM SECSTATE WASHDC
TO AMEMBASSY ROME

UNCLAS STATE 216818

E.O. 11652: N/A

TAGS: SWEL, IT

SUBJECT: U.S.-ITALIAN SOCIAL SECURITY AGREEMENT

FOR LABOR ATTACHE HERBERT BAKER

1. DEPARTMENT REQUESTS EMBASSY APPROACH ITALIAN FOREIGN MINISTRY TO ASCERTAIN IF GOI WOULD BE WILLING TO ACCEPT NOTE IN PLACE OF THE INSTRUMENT OF RATIFICATION SPECIFIED IN PARAS. 1 AND 2 OF ARTICLE 24 OF SUBJECT AGREEMENT.

2. ALL DOMESTIC USG LEGAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THE U.S.-ITALIAN AGREEMENT ON SOCIAL SECURITY HAVE NOW BEEN FULFILLED. DEPARTMENT WISHES TO HAVE SECRETARY CALIFANO EXCHANGE NECESSARY RATIFICATION DOCUMENTS TO BRING AGREEMENT AND ADMINISTRATIVE PROTOCOL INTO FORCE DURING THE PROPOSED TRIP OF ITALIAN
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LABOR MINISTER SCOTTI TO WASHINGTON DURING THE SECOND WEEK OF OCTOBER (IF THIS WOULD BE AGREEABLE TO THE ITALIAN GOVERNMENT).

3. PARA. 1 OF ARTICLE 24 OF SUBJECT AGREEMENT READS AS FOLLOWS: "THIS AGREEMENT SHALL BE RATIFIED AND THE INSTRUMENTS OF RATIFICATION SHALL BE EXCHANGED AS SOON

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AS POSSIBLE." PARA 2 OF ARTICLE 24 READS AS FOLLOWS:
"THIS AGREEMENT SHALL ENTER INTO FORCE ON THE FIRST
DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE
INSTRUMENTS OF RATIFICATION ARE EXCHANGED." PRACTICE
OF USG IS TO EXCHANGE AN INSTRUMENT OF RATIFICATION
FOR A TREATY WHICH HAS RECEIVED THE ADVICE AND CONSENT
OF THE SENATE. THIS AGREEMENT IS AN EXECUTIVE AGREE-
MENT, ENTERED INTO PURSUANT TO A PUBLIC LAW P.L. 95-
216), NOT SUCH A TREATY. THIS LEGIS, WHICH WAS ENACTED
IN 1977, DOES NOT REQUIRE THE DEGREE OF FORMALITY OF
HAVING INSTRUMENTS OF RATIFICATION EXCHANGED THAT WAS
CONTEMPLATED WHEN THE AGREEMENT WAS SIGNED IN 1973.
DEPARTMENT WISHES TO MAINTAIN ESTABLISHED PRACTICE AND
NOT REQUEST PRESIDENTIAL INSTRUMENT OF RATIFICATION IF
AT ALL POSSIBLE. PRACTICE WITH EXECUTIVE AGREEMENTS
SUBJECT TO ENTRY INTO FORCE SUBSEQUENT TO SIGNING, AS
WOULD BE THE CASE WITH THIS AGREEMENT, IS TO EXCHANGE
NOTES WHICH INDICATE THAT ALL LEGAL REQUIREMENTS FOR
THE ENTRY INTO FORCE OF THE AGREEMENT HAVE BEEN FULFILLED
AND THAT THE AGREEMENT SHALL ENTER INTO FORCE ON A
SPECIFIED DATE.

4. DEPARTMENT REQUESTS EMBASSY TO ASCERTAIN IF GOI
WOULD BE WILLING TO INTERPRET PARAGRAPHS 1 AND 2 OF
ARTICLE 24 AS BEING FULFILLED BY A NOTE FROM USG
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READING AS FOLLOWS: "EXCELLENCY: I HAVE THE HONOR TO
REFER TO THE AGREEMENT BETWEEN THE UNITED STATES AND THE
ITALIAN REPUBLIC ON THE MATTER OF SOCIAL SECURITY, SIGNED
IN WASHINGTON ON MAY 23, 1973 AND THE ADMINISTRATIVE
PROTOCOL FOR THE IMPLEMENTATION OF THE SAID AGREEMENT,
SIGNED IN ROME ON NOVEMBER 22, 1977. I AM PLEASED TO
STATE THAT ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS
OF THE GOVERNMENT OF THE UNITED STATES FOR THE ENTRY
INTO FORCE OF THE AGREEMENT AND ADMINISTRATIVE PROTOCOL
HAVE BEEN COMPLIED WITH AND THAT THE AGREEMENT AND THE
ADMINISTRATIVE PROTOCOL WILL ENTER INTO FORCE, IN
ACCORDANCE WITH ARTICLE 24 OF THE AGREEMENT AND ARTICLE
12 OF THE ADMINISTRATIVE PROTOCOL ON THE FIRST DAY OF
THE MONTH FOLLOWING THE DATE OF RECEIPT OF A NOTE INDI-
CATING THAT ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS
OF THE GOVERNMENT OF ITALY HAVE BEEN COMPLIED WITH.
ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST
CONSIDERATION. FOR THE GOVERNMENT OF THE UNITED STATES
OF AMERICA JOSEPH A. CALIFANO, JR."

5. THE REPLY NOTE FROM GOI WOULD READ AS FOLLOWS:
"EXCELLENCY: I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT

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OF YOUR NOTE OF (BLANK), 1978, NOTIFYING ME THAT THE

GOVERNMENT OF THE UNITED STATES OF AMERICA HAS COMPLIED WITH ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ITALY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON THE MATTER OF SOCIAL SECURITY, SIGNED IN WASHINGTON ON MAY 23, 1978, AND THE ADMINISTRATIVE PROTOCOL FOR THE IMPLEMENTATION OF THE SAID AGREEMENT, SIGNED IN ROME ON NOVEMBER 22, 1977. I AM PLEASED TO INFORM YOU THAT THE GOVERNMENT OF THE ITALIAN REPUBLIC HAS COMPLIED WITH ALL STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR THE ENTRY INTO FORCE OF THAT AGREEMENT AND THE ADMINISTRATIVE PROTOCOL AND
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THAT THE AGREEMENT AND THE ADMINISTRATIVE PROTOCOL WILL ENTER INTO FORCE IN ACCORDANCE WITH ARTICLE 24 OF THE AGREEMENT AND ARTICLE 12 OF THE ADMINISTRATIVE PROTOCOL ON THE FIRST DAY OF THE MONTH FOLLOWING THE DATE OF RECEIPT OF THIS NOTE."

6. PLEASE INFORM DEPARTMENT OF ITALIAN VIEWS PRIOR TO SEPTEMBER 1.

7. FYI: THIS AGREEMENT IS THE FIRST OF ITS KIND, AND THE LANGUAGE CAUSING DIFFICULTY WAS NOT BROUGHT TO THE ATTENTION OF THE TREATY AFFAIRS OFFICE UNTIL AFTER THE AGREEMENT WAS SIGNED. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Current Classification: UNCLASSIFIED
Concepts: AGREEMENT, SOCIAL SERVICES
Control Number: n/a
Copy: SINGLE
Draft Date: 25 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: JABOYD:KG
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Litigation History:
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Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Handling Restrictions: n/a
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Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1617431
Secure: OPEN
Status: NATIVE
Subject: U.S.-ITALIAN SOCIAL SECURITY AGREEMENT FOR LABOR ATTACHE HERBERT BAKER
TAGS: SWEL, IT, US
To: ROME
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/d04a755b-c288-dd11-92da-001cc4696bcc
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